

Congress of the United States
Washington, DC 20510

April 27, 2010

The Honorable Ron Kirk
United States Trade Representative
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Kirk:

I am writing because of concerns Massachusetts scallop exporters have expressed related to discussions between the United States and European Commission and the potential those talks have for hindering commerce and job creation in our state if the discussions are not handled properly.

Since December 2009, the European Commission food safety directorate and the U.S. Food and Drug Administration have been in consultation regarding the export of U.S. scallops and bi-valve mollusks to Europe and the smaller trade of shellfish from Europe to the U.S. The issues dealt with include the recognition of appropriate food safety processes to protect consumers. The deadline for completion of these discussions is June 30, 2010. Absent an agreement, the \$150 million scallop trade between the U.S. and Europe will cease. Not only would this hurt U.S. fishermen, but also the European consumers who demand this uniquely American product.

While the respective food safety agencies continue their discussions, I urge you to emphasize with Director General for Trade O'Sullivan the seriousness with which the Obama Administration takes this issue. In particular, including scallops in any analysis of food safety or halting commerce in scallops is misplaced energy as a matter of food safety. Scallop meat does not present the same kind of potential toxin or microbiological issues that oysters might. The Commission's own directive does not require the listing of scallops in exporting countries' lists of bi-valve mollusks.

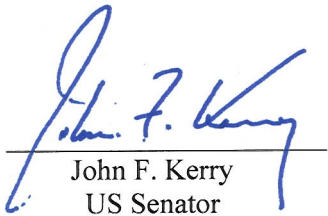
As you communicate with Director General O'Sullivan, we urge you to ask him not to use our scallop industry's exports as a bargaining chip and to de-link scallops from this whole discussion. It is inappropriate for the EC to do otherwise. Under World Trade Organization rules, countries should make decisions grounded in scientific guidelines --- and not based on a real or implied promise of mutual recognition of another country's food safety system.

I understand that the discussions between the respective food safety agencies continue. But again, I ask that you raise this issue with Director General O'Sullivan, as it is important that the DG for Trade understand the trade implications of failure to successfully conclude these negotiations before the June 30 deadline. Finally, I ask that your staff begin to prepare alternative resolution to this situation under the U.S.' WTO rights and obligations, in the unlikely event discussions falter.

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Ambassador Kirk, I fully support your efforts to ensure a robust export agenda. The \$150 million export of scallops is important to Massachusetts scallop fishermen. The U.S. and European food safety agencies should quickly and successfully conclude their negotiations based on science and WTO guidelines, to ensure French and other European families can continue to benefit from these fish.

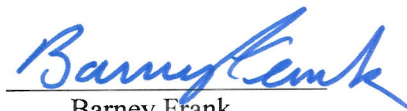
Sincerely,



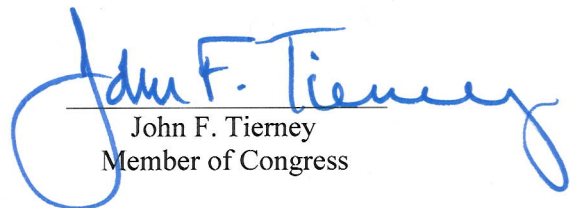
John F. Kerry
US Senator



Scott Brown
US Senator



Barney Frank
Member of Congress



John F. Tierney
Member of Congress